

Planning Committee

21 January 2020



Working in partnership with **Eastbourne Homes**

Time and venue:

6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG

Membership:

Councillor Jim Murray (Chair); Councillors Peter Diplock (Deputy-Chair) Jane Lamb, Robin Maxted, Paul Metcalfe, Md. Harun Miah, Barry Taylor and Candy Vaughan

Quorum: 2

Published: Monday, 13 January 2020

Agenda

- 1 Minutes of the meeting held on 10 December 2019 (Pages 5 - 12)**
- 2 Apologies for absence and notification of substitute members**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.
- 5 Right to address the meeting/order of business.**

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 6 4 The Avenue. Application ID: 190734 (Pages 13 - 20)**
- 7 Langney Shopping Centre Car Valet, Langney Shopping Centre, 64 Kingfisher Drive. Application ID: 190604 (Pages 21 - 42)**
- 8 26-28 Lottbridge Drove. Application ID: 190726 (Pages 43 - 52)**
- 9 Pine Cottage, 17 Ratton Drive. Application ID: 190871 (Pages 53 - 60)**
- 10 Ground Floor Flat, 16 Commercial Road. Application ID: 190772 (Pages 61 - 64)**

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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Speaking at Planning

Registering your interest to speak on Planning Applications

If you wish to address the committee regarding a planning application you need to register your interest, outlining the points you wish to raise, with the **Case Management Team** or Democratic Services within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at <https://www.lewes-eastbourne.gov.uk/planning-and-building-control/planning-applications/speaking-at-planning-committee/>). This can be done by telephone, letter, fax, e-mail or by completing relevant forms on the Council's website. Requests made beyond this date cannot normally be accepted.

Please note: Objectors will only be allowed to speak where they have already submitted objections in writing, new objections must not be introduced when speaking.

It is helpful if you can provide the case officer with copies of any information, plans, photographs etc that you intend to refer to no later than 1.00pm on the day before the meeting.

Only one objector is allowed to address the Committee on each application and applications to speak will be registered on a 'first come, first served basis'. Anyone who asks to speak after someone else has registered an interest will be put in touch with the first person, or local ward Councillor, to enable a spokesperson to be selected.

You should arrive at the Town Hall at least 15 minutes before the start of the meeting.

The Chair will announce the application and invite officers to make a brief summary of the planning issues.

The Chair will then invite speakers to the meeting table to address the Committee in the following order:

- Objector
- Supporter
- Ward Councillor(s)
- Applicant/agent

The objector, supporter or applicant can only be heard once on any application, unless it is in response to a question from the Committee. Objectors are not able to take any further part in the debate.

Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address: Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

Email: committees@lewes-eastbourne.gov.uk

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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 10 December 2019 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Peter Diplock (Deputy-Chair), Jane Lamb, Robin Maxted, Paul Metcalfe, Md. Harun Miah, Barry Taylor and Candy Vaughan

Officers in attendance:

Helen Monaghan (Lawyer, Planning), Leigh Palmer (Interim Head of Planning), and James Smith (Specialist Advisor for Planning), Anna Clare (Specialist Advisor for Planning) and Emily Horne (Committee Officer).

59 Minutes of the meeting held on 22 October 2019

The minutes of the meeting held on 22 October 2019 were submitted to and approved as a correct record, and the Chair was authorised to sign them.

60 Apologies for absence and notification of substitute members

There were no apologies given and there were no notifications of substitute Members.

61 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

Councillor Barry Taylor declared a Prejudicial Interest in minute 65, 282 Kings Drive as he was the owner of a care home. He withdrew from the room while the item was considered and did not vote.

62 Urgent items of business.

There were none.

63 Right to address the meeting/order of business.

The business of the meeting was reordered from the agenda in the following order.

64 First Church of Christ Scientist, Spencer Road. Application ID: 190461

Planning permission for the addition of internal second floor with conversion of main building to provide 6no. self-contained flats with conversion of single storey rear element to provide 1no. self-contained flat – **MEADS**

Amendments to the report were noted in the Addendum.

Peter Jeffreys, local resident, addressed the committee in objection to the application on grounds of overlooking/loss of privacy, density, building height, fire safety and parking.

David Challinor, agent, said the windows had been angled and balconies screened to reduce the effects of overlooking. He said the application had not increased in height and that fire safety matters would be covered by Building Regulations. Furthermore, Highways had not objected to the application.

The Committee discussed the application and were of a mixed opinion. Members raised concern at the lack of parking and amenity space, stating that the fire authority should be consulted earlier in the process and that the scheme could be improved if the number of dwellings were reduced. Members also stated that they were happy with the steps taken to reduce overlooking and that the reduction in car parking spaces will help reduce carbon footprint.

Councillor Murray proposed a motion to approve the application. This was seconded by Councillor Vaughan.

Resolved (by 5 votes for and 3 against): That permission be approved as set out in the report and addendum.

65 282 Kings Drive. Application ID: 181178

Planning permission for demolition of existing house and associated structures and provision of 85 bed care home with parking, landscaping and highway access - **RATTON**.

Having declared a prejudicial Interest, Councillor Barry Taylor was absent from the room during discussion and voting on this item.

This application had been brought back to Committee following deferral to mitigate concerns raised by the Committee concerning scale and impact of the development. The applicant had made several alterations to the scheme to address these concerns.

Amendments to the report were noted in the Addendum.

Dr. Roland Cottingham, Chair of Kings Drive, addressed the Committee in objection, referring to the loss of light, overdevelopment, and the accuracy of

the Daylight Assessment report. He urged the committee to refuse the application.

Councillor Freebody, Ward Councillor, addressed the Committee (from the public gallery) in objection to the application. He referred to loss of light, privacy, overdevelopment and the proximity of the development to 284 Kings Drive. He raised concern that the Daylight Assessment report was undertaken remotely using Google Maps to determine the measurements.

Alison Knight, agent, explained that she had addressed the concerns raised by the Committee at its previous meeting, stating that a Daylight Impact Assessment report had been submitted as requested and an additional condition had been added to secure a local labour agreement. She said no objections had been received regarding the application from statutory consultees and the application had been recommended for approval by Officers twice before at committee.

Members were informed that the Daylight Assessment was performed in accordance with the methodology set out in the Building Research Establishment (BRE) document BR209 – Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice (2011).

Councillor Murray proposed a motion to approve the application. This was seconded by Councillor Diplock.

Resolved (by 5 votes for and 2 against): That permission be approved as set out in the report.

66 Langney Shopping Centre Car Valet, Langney Shopping Centre, 64 Kingfisher Drive. Application ID: 190604

Planning permission for erection of 10 houses together with parking and installation of crossover onto Swanley Close - **LANGNEY**.

Amendments to the report were noted in the Addendum.

Donna St.Claire, local resident, addressed the Committee in objection, raising concern regarding the proposed site entrance, stating that Swanley Close was too narrow and the access point should be from the northern boundary at Langney Rise, where the impact will be less. She also raised concerns regarding parking restrictions, flooding and loss of privacy.

Mr Pickup, agent, addressed the Committee in support, stating that no highway objections had been received and that applicant had entered into a S106 agreement to secure £5,000 contribution towards investigating the installation of a Traffic Regulation Order for parking restrictions. He said the Local Authority were satisfied with the flood risk assessment submitted.

The Committee discussed the application and expressed concern regarding the entrance to the site and overlooking.

Members were advised that the land was owned by Langney Shopping Centre and that an alternative access point would need their consent.

Councillor Lamb proposed a motion to defer the application. This was seconded by Councillor Taylor.

Resolved (Unanimous): That permission be deferred to enable the developer to negotiate an alternative access with Langney Shopping Centre.

67 Wood's Cottages, Langney Rise. Application ID: 190339

Planning permission for redevelopment of site to form 35 dwellings, formed of 1 one bedroom flat, 10 two bedroom flats, 19 three bedroom houses, 5 four bedroom houses – **LANGNEY**.

This application had been brought back to Committee following deferral by the Committee to allow the developer and planning team to liaise on the viability of an alternative access to the proposed development. In response, the applicant has altered the access and moved it to the south of the site, to the west of 33 Swanley Close, opposite No 4 & 5 Swanley Close.

Amendments to the report were noted in the Addendum.

Amanda Rock, local resident, addressed the Committee in objection to the application. She raised concern regarding flooding, traffic, noise pollution, loss of woodland and parking spaces.

The Chair referred to a written representation from Councillor Shuttleworth, Ward Councillor for Langney, stating that he was in support of the development, but agreed with resident's concerns regarding loss of trees and impact on wildlife.

Mr Singh, applicant, was present, but chose not to speak.

The Committee were informed that concerns raised regarding trees and surface water were covered by condition which must be approved prior to commencement of development.

The Committee discussed the location of the revised access stating that they had addressed the resident's request for it to be repositioned and felt it was better suited to the new location. They supported the relocation of the pond; reintroduction of wildlife and replacement of trees.

Councillor Murray proposed a motion to approve the application. This was seconded by Councillor Miah.

Resolved (Unanimous): That permission be approved subject to Recommendation 2-6 of the officers report being satisfactorily concluded. And

subject to conditions and Section 106 Agreement to include affordable housing and a local labour agreement, as set out in the report.

68 Land South of Langney Shopping Centre and West of Langney Rise. Application ID: 190668

Planning permission for development of 9 houses - **LANGNEY**.

Amendments to the report were noted in the Addendum.

The Land Contamination condition was amended verbally by the Officer:-
Prior to the first occupation of the development hereby approved, testing results for any imported soils, as recommended by the Combined Geotechnical and Ground Contamination Risk Assessment by Ashdown Site Investigation Ltd, dated July 2019, shall be carried out by a suitably qualified land contamination specialist and the results submitted to and approved in writing by the Local Planning Authority all other recommendations contained within the above assessment shall be carried out to the satisfaction of the Local Planning Authority and if during construction contamination not previously identified is found to be present at the site then no further development on that part of the site (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and written approval for the associated strategy has been obtained from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the resulting site does not compromise any contamination to protect future occupants and local water sources from unacceptable levels of pollution.

Members welcomed the addition of new housing in the area.

Councillor Vaughan proposed a motion to approve the application. This was seconded by Councillor Miah.

Resolved (Unanimous): That permission be approved subject to no new issues being raised from the Consultation to delegate to Head of Planning in consultation with the Chair of Planning Committee to Grant Planning permission subject to conditions as set out the report and addendum.

69 42-44 Meads Street. Application ID: 190717

Planning permission for a single storey extension and re-siting of kitchen extract (retrospective application) - **MEADS**.

This application had been brought to committee at the request of the Meads Ward Councillor, Councillor Taylor.

The Committee discussed the application and felt that the design of the kitchen extractor fan was over sized and engineered. Concern was raised

regarding noise, emissions, location, impact on the Conservation Area and effect on the local residents.

The Committee were informed that no complaints had been received regarding the retrospective application. Officers advised that it was not possible to position the kitchen extractor fan vertically on the building due to ownership issues and impact on the Conservation Area. The extractor fan will be painted black and boxed in within 6 months of the date of permission, to reduce noise emissions and comply with the Noise Impact Assessment submitted, as per condition 2 of the report.

A motion to refuse the application, proposed by Councillor Taylor and seconded by Councillor Lamb, was lost by three votes for to five against refusal.

Councillor Murray proposed a motion to approve the application as set out in the report. This was seconded by Councillor Diplock.

Resolved (by 5 votes for and 3 votes against): That permission be approved as set out in the report.

70 6 Jellicoe Close. Application ID: 190751

Planning permission to extend existing side wall - **SOVEREIGN**.

Members were informed that this application had been brought to committee as the applicant is a member of staff.

Councillor Miah proposed a motion to approve the application. This was seconded by Councillor Metcalfe.

Resolved (Unanimous): That permission be approved as set out in the report.

71 Appeal Summary

Members noted the summary report of appeal decisions between October and November 2019.

Flat 1, 17 Enys Road, Eastbourne. ID: 180933. Appeal dismissed.

Spring Mead, 25 Meads Brow, Eastbourne. ID: 181058. Appeal allowed.

131 Southern Road, Eastbourne. ID: 190132. Appeal allowed.

72 South Down National Park Authority Planning Applications (Verbal update)

There were none.

73 Addendum Report to the Planning Committee 10 December 2019

The meeting ended at 8.20 pm

Councillor Jim Murray (Chair)

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Agenda Item 6

App.No: 190734	Decision Due Date: 6 December 2019	Ward: Upperton
Officer: Anna Clare	Site visit date: 5 November 2019	Type: Planning Permission
Site Notice(s) Expiry date: 2 November 2019		
Neighbour Con Expiry: 2 November 2019		
Press Notice(s): n/a		
Over 8/13 week reason: To negotiate redesign and bring before committee		
Location: 4 The Avenue, Eastbourne		
Proposal: Proposed change of use of 3No. garages to 1No. 1bed self-contained dwelling with the replacement of garage doors with grey cladding and formation of 3No. windows along with provision of allocated disabled parking space.		
Applicant: Mr Andrew Mackelden		
Recommendation: Grant Planning Permission subject to S106 (offsite affordable contribution) and conditions as listed within report.		
Contact Officer(s):	Name: Anna Clare Post title: Specialist Advisor Planning E-mail: anna.clare@eastbourne.gov.uk Telephone number: 01323 4150000	
Map location		

1 Executive Summary

- 1.1 The proposal will provide an additional flat within this existing purpose built block. The design will not detract from the appearance of the existing building and on balance the proposal will provide an adequate standard of accommodation for future occupiers. The site is within a highly sustainable location and as such it is not considered the loss of the garages, and therefore the resultant impact on demand for on street parking could be substantiated as a reason for refusing planning permission.
- 1.2 Given the relatively recent completion of the existing building, in order to comply with Policy D5 the applicant has offered a contribution towards off site affordable housing by way of a commuted sum. Therefore in principle there are no objections to the proposal and as such it is recommended that planning permission is granted subject to conditions and completion of the S106 agreement.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework 2019
2. Achieving sustainable development
4. Decision making
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
- 2.2 Eastbourne Core Strategy Local Plan 2006-2027
B1 Spatial Development Strategy and Distribution
B2 Creating Sustainable Neighbourhoods
C1 Town Centre Neighbourhood Policy
D1 Sustainable Development
D5 Housing
D10a Design
- 2.3 Eastbourne Borough Plan 2001-2011
UHT1 Design of New Development
UHT4 Visual Amenity
UHT7 Landscaping
NE4 Sustainable Drainage Systems
HO1 Residential Development Within the Existing Built-up Area
HO2 Predominantly Residential Areas
HO7 Redevelopment
HO20 Residential Amenity
TR6 Facilities for Cyclists
TR11 Car Parking

3 Site Description

- 3.1 The site refers to an existing purpose built, 5 storey block of 11 self-contained flats over the upper 4 storeys with ground floor lobby and garages. The building

was completed in late 2018.

- 3.2 The site is situated on a corner position with a rear access lane to the north-east which runs to the rear of properties of Upperton Gardens.
- 3.3 The site is not situated within a conservation area, however the border of the Upperton Conservation Area runs to the centre of the lane adjacent the site.

4 Relevant Planning History

- 4.1 The original consent for the development of the site was:

070350

Erection of a five storey block of 11 flats, including accommodation in the roofspace with garages and ancillary facilities on the ground floor.

Planning Permission

Approved conditionally

07/08/2007

This consent was extant by the demolition of the building at the time of the permission, however the build was actually completed in late 2018 with occupation commencing in January 2019. It is understood that all flats are now occupied.

- 4.2 161499

Non-material amendments to drawings of planning permission granted 07 August 2007 for the erection of a five storey block of 11 flats, including accommodation in the roofspace with garages and ancillary facilities on the ground floor (Ref: EB/2007/0362).

Issued

12/01/2017

- 4.3 180283

Application to vary the approved details of permission granted 7 August 2007 for the erection of a five storey block of 11 Flats, including accommodation in the roofspace with garages and ancillary facilities on the ground floor (Ref: EB/2007/0362) non materials amendments approval dated 17 January 2017 (Ref: 161499) and approved discharge of conditions dated 9 February 2017 (Ref: 161500).

Issues

05/06/2018

5 Proposed development

- 5.1 The application is proposing the conversion of three of the seven garages at ground floor, into an additional one bedroom, 2 person occupancy flat.
- 5.2 The internal layout, and the external design and materials were amended following advice that the application was not supportable in its submitted form. It was also originally proposed to provide a disabled parking space adjacent to the building in the existing service lane, however following advice that this was not

going to be acceptable from highway safety point of view this was removed from the scheme.

6 Consultations

6.1 East Sussex County Council Highways

Taking into account the fact that the lane is private, the parking restrictions in the area and location of the site within recommended walking distance [less than 400m] to both public transport and the town centre facilities I would not wish to refuse [or defend at appeal] an application on the issue of reduction in parking on the site.

7 Neighbour Representations

7.1 Objections have been received from 4 properties, including three within No.4 itself for the following reasons;

- Loss of parking for the development
- Increase in density
- Creation of conflict between the new dwelling and existing garages
- Disabled space will restrict access to the other garages
- Parking space in the lane will narrow the road impact on access and safety
- Design will impact on the appearance of the building

Following consultation on the amendments to the application, 2 of the 3 objectors from within the building have confirmed their objections have not been overcome by the amendments making the following comments:

- Removal of the proposed parking space still results in a lack of parking for the proposed additional dwelling
- Design is not in keeping with the original building design

8 Appraisal

8.1 Principle of development:

8.1.1 The NPPF requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years; worth of housing. Eastbourne is currently only able to demonstrate a 1.57 year supply of housing land, meaning that Eastbourne cannot demonstrate a five year housing land supply. The NPPF would view this application with a 'presumption in favour of sustainable development', as described in paragraph 14 of that document. Therefore in accordance with paragraph 11 of the NPPF planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole.

8.1.2 Permission was granted originally in 2007 for the development of the site for 11 residential flats. The building was actually built in 2018, at the time of building

the development would have been subject to consideration in relation to our Affordable Housing policy as the proposal was for 11 units. The threshold for the provision of affordable housing is now set at 10 units by the revised National Planning Policy Framework 2019. This application would bring the building upto a total of 12 units.

- 8.1.3 Prior to the construction of the building in 2018, two rounds of non-material amendments were sought to the scheme in 2016 and early 2018. At this time submission of a new application for the amendments, and the inclusion of this additional unit would have been the development being liable for the provision of affordable housing on site.
- 8.1.4 No evidence has been submitted showing how the development meets the requirements of policy D5 housing. However discussions with the applicant have taken place.
- 8.1.5 When considering the building as a whole the development of 12 flats would, at 40% affordable housing as per Policy D5, be required to provide 4.8 units as 'affordable' units. Obviously the applicant can no longer provide such as most have been sold. Therefore we could consider a commuted sum in lieu of an on site provision of affordable housing in line with the Affordable Housing Supplementary Planning Document.
- 8.1.6 If you consider this one unit in isolation a commuted sum of £29,859 would be required in lieu of the on site contribution. The applicant has indicated that they will enter into a S106 legal agreement for this amount. Therefore the application is considered compliant with policy D5 of the Core Strategy.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
 - 8.2.1 The location of the new dwelling is such that it is considered there would not be significant impacts on surrounding existing properties in terms of amenity impacts.
- 8.3 Amenity of future occupiers of the development:
 - 8.3.1 The proposed flat would provide 53.5m² of floorspace, the layout proposes a large double bedroom, a kitchen/living room, bathroom and a storage room within the access lobby.
 - 8.3.2 The Nationally Described Space Standards recommend such a flat should provide 50m² of accomodation, the proposal is therefore in excess of the recommendation.
 - 8.3.3 The location of the proposed flat does raises concerns. Two windows to the living room would be provided in the front elevation, but side elevation windows would be directly onto the lane, which is not ideal given there is no defensible space.
 - 8.3.4 The side elevation windows are narrowed to reduce overlooking, there would be

limited outlook from the windows, however they will provide natural light and ventilation. Therefore on balance given the flat is a reasonable size the proposal is considered to provide an adequate standard of accommodation for future occupiers.

8.4 Design issues:

8.4.1 The building as completed is brick at ground floor, with rendered upper floors. The building being brand new is crisp and fresh and provides a characterful entrance to the Avenue.

8.4.2 The loss of the garages at ground floor, whilst part of the design concept of the building will not detract from the appearance providing the gaps are infilled in a suitable material. The soldier course of bricks existing above the garage openings is shown to be removed and only be evident above the proposed window openings. This is considered important to ensure the proposal does not read as a later afterthought, or infill. Therefore this is proposed to be conditioned.

8.4.3 On balance the impacts of the proposal are not considered to detract from the design of the building to warrant the refusal of the application.

8.5 Impacts on highway network or access:

8.5.1 At the time of the original application the 7 garages for the 11 flats were considered acceptable in terms of parking demand. The application would result in the loss of 3 garages and therefore car parking spaces for the existing flats.

8.5.2 The applicants submission states that the garages remain vacant having not been purchased with the residential flats. However comments to the consultation refute this and state that the garages were not offered for sale. Whilst this is unfortunate, it is not considered this can be considered a reason for refusing the application. There were no conditions requiring the retention of the garages, or how they must be used/allocated.

8.5.3 The site is situated within a highly sustainable location, and reducing on site car parking should encourage more sustainable transport options. It is therefore not considered that a reason for refusal on this basis could be substantiated given the sustainable location and number of flats.

8.6 Conclusion:

8.6.1 It is accepted that Eastbourne cannot demonstrate a five year housing land supply, therefore there is a presumption in favour of sustainable development. The site is situated within a highly sustainable location, and will provide an adequate standard of accommodation for future occupiers therefore it is considered any harm caused by the loss of the garages would not outweigh the benefit of this additional unit.

9 Human Rights Implications

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10 Recommendation

- 10.1 Grant planning permission subject to the following conditions and completion of a S106 agreement for commuted sum towards off site provision of affordable housing;

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no;
2977 03 Rev A – Existing & Proposed Front Elevations
2977 05 Rev A – Proposed Ground Floor Plan
2977 06 Rev A – Proposed Side Elevation

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building and the soldier brick course above the existing garage door openings shall be removed prior to the infilling of the garage door openings.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

- 4) The internal layout of the proposed unit shall be as shown on the approved drawing 2977 05 Rev A – Proposed Ground Floor Plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure a satisfactory level of amenity for future occupiers.

- 5) The secure cycle storage shown on approved drawing 2977 05 Rev A – Proposed Ground Floor Plan shall be made available for the occupiers of the approved development prior to the first occupation and shall remain as such for the lifetime of the development and shall not be used for any other purpose.

Reason: to ensure the proposed storage space is provided and retained to encourage transport by sustainable means.

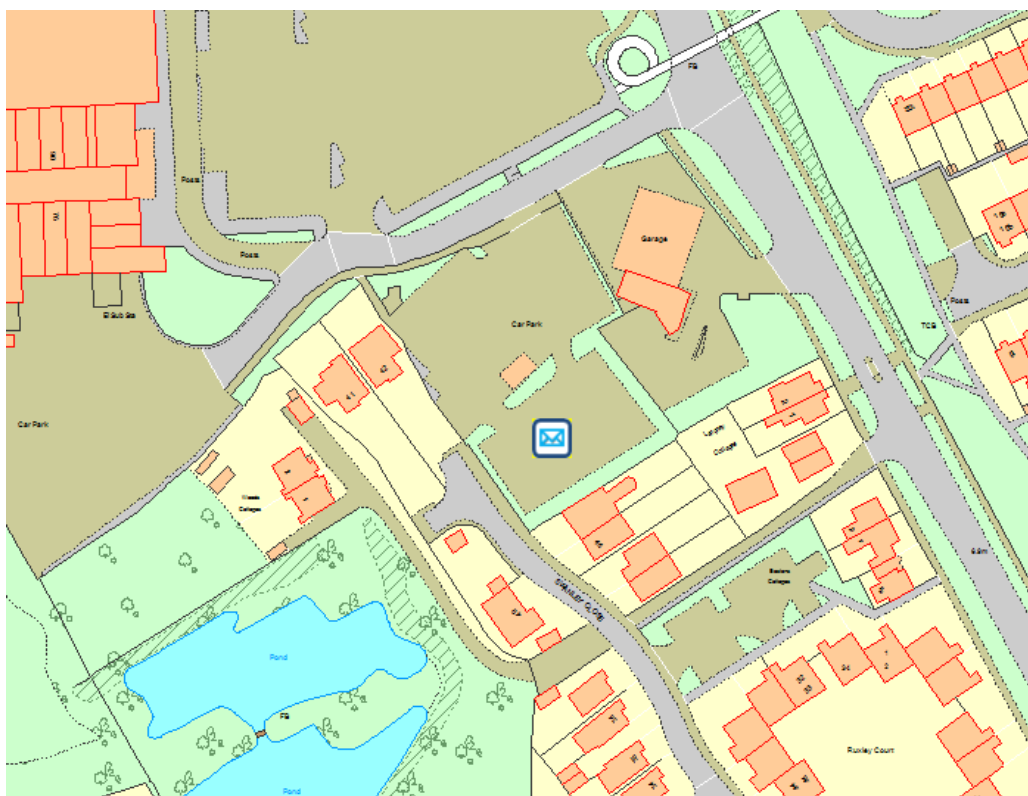
11 Appeal

- 11.1 Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

Agenda Item 7

App.No: 190604	Decision Due Date: 29 October 2019	Ward: Langney
Officer: Neil Collins	Site visit date: 26 th September 2019	Type: Planning Permission
Site Notice(s) Expiry date: Neighbour Con Expiry: 2 September 2019 Press Notice(s): n/a		
Over 8/13 week reason: Viability Assessment Review and Committee cycle.		
Location: Langney Shopping Centre Car Valet, Langney Shopping Centre, 64 Kingfisher Drive, Eastbourne		
Proposal: Erection of 10 houses together with parking and installation of crossover onto Swanley Close		
Applicant: Park Lane Homes Ltd		
Recommendation: Grant Planning Permission subject to conditions and a S106 Legal Agreement		

Contact Officer(s): **Name:** Neil Collins
 Post title: Specialist Advisor - Planning
 E-mail: neil.collins@eastbourne.gov.uk
 Telephone number: 01323 4150000



1 Executive Summary

- 1.1 This application is brought back to the Planning Committee following consideration at the 10th December meeting. Due to concerns with the site being accessed from Swanley Close, the Committee deferred the application in order that the applicant could explore the possibility of access from the Langney Shopping Centre service road on the norther side of the site.
- 1.2 The main body of this report remains unchanged from the previous Committee Report and this executive summary explains the impacts and further considerations resulting from the revised layout.
- 1.3 The applicant has responded to the Committee's decision and submitted amended plans showing a revised layout for the site, which is accessed from the service road on the northern boundary. The revised layout is considered to be acceptable in terms of the impact upon: the transport network; the amenity of neighbouring occupants; and the quality of the proposed accommodation. All other considerations are considered to be unaffected by the changes and the impacts of the revised layout in relation to the above considerations is discussed below.
- 1.4 The revised layout would not change the relationship with the nearest neighbouring dwelling on the western side of the site (number 42 Swanley Close). On the southern side, the revised layout would comprise a row of 5 dwellings, with their rear gardens backing onto the southern boundary shared with number 45 Swanley Close. This would result in a distance of approximately 12.5m from the rear elevations to the boundary and 13.5m to the flank wall of number 45. Taking into consideration that the buildings would be set at a right angle to number 45, this would only afford an oblique view towards existing neighbouring windows. There is a large mature hedge on the boundary that would be retained as part of the development, which would create a visual barrier between the development and neighbouring buildings. However, it is considered that proposed units 4 and 5 would be afforded a greater view towards the rear facing windows of numbers 45 and 46. As such, an additional condition is recommended requiring the submission of revised first floor window designs (for example oriel windows) to prevent direct views towards the rear elevation of numbers 45 and 46.
- 1.5 The applicant has submitted drawings demonstrating that the development could be adequately serviced by larger delivery vehicles, including accessing, turning and egressing the site. The parking provision, including cycle storage, would remain unchanged in terms of the level of provision. The arrangement of parking and internal access paths is considered to be acceptable.
- 1.6 As the revised access would connect to the private service road Langney Shopping Centre and not onto a public highway, a Traffic Management Order is no longer required and, as such, this has been omitted for the required Section 106 agreement.
- 1.7 The proposal would result in the net gain of ten residential dwellings in a sustainable location. The applicant has submitted a Financial Viability Assessment, which has been reviewed by the Council's chosen independent

consultants, and concludes that an affordable housing contribution would render the development financially unviable.

1.8 Taking the above considerations into account, along with all other considerations noted within the body of the report, the application is recommended for approval subject to conditions and a Section 106 Legal Agreement to secure the following planning obligations:

- Local Labour Agreement; and a future Financial Viability Review to ensure any fluctuations in land valuation or build costs would allow for the provision of affordable housing, should it become viable.

1.9 Additional condition to control window location/design:

Notwithstanding the approved plans, revised drawings of first floor rear facing windows on units 4 and 5 of the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the details approved and retained for the lifetime of the development.

- *Reason: To safeguard the amenity of residents neighbouring the site.*

1.10 Since the application was considered by the Committee, no further representations have been received in respect of the application.

The previous report is tabled below for ease of reference

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework (2019)

- 2. Achieving sustainable development
- 3. Plan-making
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

2.2 Eastbourne Core Strategy Local Plan (2013)

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C8: Langney Neighbourhood
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel
- D9: Natural Environment

2.3 Eastbourne Borough Plan – Saved Policies

NE3: Conserving Water Resources
NE4: Sustainable Drainage Systems
NE15: Protection of Water Quality
NE17: Contaminated Land
NE18: Noise
NE20: Sites of Nature Conservation Importance
NE22: Wildlife Habitats
NE28: Environmental Amenity
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT6: Tree Planting
UHT7: Landscaping
UHT13: External Floodlighting
HO2: Predominantly Residential Areas
HO6: Infill Developments
HO20: Residential Amenity
TR2: Travel Demands
TR7: Provision for Pedestrians

3 Site Description

- 3.1 The application site forms part of the Langney Shopping Centre site and has historically formed part of the larger car parking facilities for the centre, in addition to a customer car washing facility. The site is roughly rectangular in shape and almost entirely laid to impermeable hard surface, other than small established shrubs, hedges and trees bordering the site and a strip that divides the site into two car parking areas, north and south. The topography of the site is generally flat, with a small slope from north to south.
- 3.2 Access to the site is currently located on the northern boundary via the Langney Shopping Centre private service road from Langney Rise, further to the east. The site is bounded on its western and southern sides by existing residential property at the northern end of Swanley Close, a cul-de-sac accessed from Faversham Road. Residential dwellings, numbers 42 and 45 Swanley Close, share the eastern and southern boundaries of the site respectively. On its eastern side, the site is contiguous with a petrol filling station site, which shares the entire eastern boundary and to the south of the filling station are properties known as Langney Cottages, which front Langney Rise.
- 3.3 The site is identified as being suitable for redevelopment for residential or employment purposes as per the 2017 SHELAA (site LA01). The site is also located within a Residential Area, as defined by the Core Strategy. There are no other designations that would be significant to the consideration of this application.

4 Relevant Planning History

- 4.1 There have been a vast number of applications concerning the wider Langney Shopping Centre site, although mainly small in nature. However, three

applications are relevant to this site and are material considerations in the assessment of this application.

4.2 EB/2005/0529

Planning permission was granted in January 2007 for a two storey mixed-use development at the western end of the centre, to provide new retail accommodation for non-food comparison goods at mall and first floor levels (3,434 square metres), a new library at first floor level, 8 one and two bedroom flats and revised external areas including parking, landscaping and transport interchange. The permission also included a development of 20 residential units on the land related to this application and included associated parking and access from Swanley Close.

4.3 EB/2008/0714

A further application was submitted in November 2008 for an amended scheme to the above, again including 20 dwellings on the land in question, but this was withdrawn within the application period.

4.4 EB/2009/0758

Planning permission was approved in May 2011 for similar development of the shopping centre alongside outline planning permission for residential development of 20 apartments on land related to this application, including a new access from Swanley Close.

Approved 11/05/2011

Outline permission not implemented

5 **Proposed development**

5.1 The application proposes the erection of ten three-bed dwellings on the site. The dwellings would be laid out in a cul-de-sac arrangement around central 'court' parking and access road. The existing access at the northern end of the site would be closed off and a new access would be created onto Swanley Close. A pedestrian access would be provided on the northern boundary for continued access to the shopping centre.

5.2 The dwellings would be two-storey with a pitched roof. The pallet of facing materials would differ throughout the development, to provide variety in appearance for each dwelling. Materials would include brick (plots 5 and 6), composite weatherboarding (Plots 8 and 10) and coloured render (Plots 2 and 9).

5.3 A total of 23 parking spaces would be provided for future residents, comprising 2 spaces for each of the ten dwellings and 3 additional spaces for visitors to the site.

6 **Consultations**

6.1 Specialist Advisor (Regeneration)

6.1.1 The proposed development will be located in the car valet area of the Langney Shopping Centre complex in Eastbourne.

6.1.2 The site is located close to secondary schools both of whom have sought work

experience placements for Year 10 pupils on recently completed developments nearby. The site would also be an opportunity for site visits for college and unemployed students attending local construction education and training programmes.

6.1.3 The proposal is a major development meeting the residential thresholds for development as detailed on page 11 of the adopted Local Employment and Training Supplementary Planning Document. Should the application be successful, it is requested that it be subject to a local labour agreement in line with adopted policy.

6.1.4 In light of the above, Regeneration supports the application subject to the inclusion of a local labour agreement.

6.2 Specialist Advisor (Planning Policy)

6.2.1 This application proposes the construction of 10 detached 3 bedroom dwellings, and associated car parking. The site is currently occupied by the by car parking spaces and a small covered area which offers a car wash service, however this is currently vacant due to an expired lease. The site is within the Langney neighbourhood.

6.2.2 The vision for Langney, as stated in the Core Strategy is *“Langney will make a significant contribution to the delivery of additional housing in a sustainable location. It will also maintain and improve the provision of services and facilities as well as increasing opportunities to access employment. It will seek to reinforce its position as one of the town's most sustainable neighbourhoods”*. The Core Strategy also states that *“Langney will make a significant contribution to the delivery of additional housing in a sustainable location.”*

6.2.3 The Core Strategy policy B1 identifies Langney as a sustainable neighbourhood and it states that higher residential densities will be supported in these areas. The site is located within the predominantly residential area as defined by Eastbourne Borough Plan Policy HO2. The National Planning Policy Framework supports sustainable residential development and planning permission should be granted to meet local and national housing needs. This site would be not considered a windfall site, as it has been previously been identified in the Councils Strategic Housing Land Availability Assessment (SHLAA). This application will result in a net gain of 10 dwellings.

6.2.4 The NPPF requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing. As of 1st April 2019, Eastbourne is only able to demonstrate a 1.57 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. The NPPF would view this application with a 'presumption in favour of sustainable development,' as described in paragraph 14 of that document. It is not considered that the proposal would be contrary to the NPPF as a whole, or contrary to any specific policies in the NPPF.

6.2.5 The development is over the threshold for affordable development as it is for 10 dwellings. As it is within a low value neighbourhood, the requirement would be for 30%, which in this case would be 3 dwellings (or the appropriate commuted sum,

if it is shown that it is not possible to provide this on site). There does not appear to be a discussion of Affordable Housing within the planning application.

6.2.6 The development would be liable for the payment of CIL on the 10 houses proposed.

6.2.7 According to the provided planning statement, the development will meet the minimum requirements laid out in the 'Technical Space Standards – nationally described space standard.' This application would be supported by Policy, as long as the affordable housing is provided.

6.3 CIL

6.3.1 The development would be liable for a CIL payment if approved.

6.4 ESCC SuDS

6.4.1 The comments below are made on the understanding that this is a brownfield site which has an existing connection to Southern Water's public surface water sewers to the north-west of the application site.

6.4.2 The application is supported by only a drainage layout plan (JMLA drawing number 06899- jmla-TP-00-DR-D-0200-S4-P02 dated June 2019) and no supporting statement or calculations. It would have been preferable to see the design decisions and their potential implications on flood risk. Nevertheless, the application site appears to be 100% impermeable with an existing drainage arrangement that appears to drain into the public sewers. The proposed layout shows that the development will result in reduced impermeable area and the drainage layout shows two attenuation tanks to store surface water runoff from the application site. Consequently, it is possible for the applicant to incorporate measures to manage surface water runoff from the proposed layout without increasing flood risk on or offsite.

6.4.3 A site visit showed that the application site currently receives overland surface water flows from the neighbouring garage. Therefore measures to manage these overland surface water flows should be incorporated into the design to ensure that they do not result in flood risk to the proposed properties.

6.4.4 If the Local Planning Authority is minded to grant planning permission, the LLFA and PCWLMB request the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

1. Detailed surface water drainage drawings and calculations shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The submitted details shall include evidence (in the form hydraulic calculations) that surface water discharge rates are limited to a rate agreed to by Southern Water for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

2. The detailed design of the attenuation tanks shall be submitted to and approved in writing the Local Planning Authority in consultation with the LLFA. The detailed design shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
3. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
 - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

4. Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
5. Prior to occupation of the development evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

6.5 Highways ESCC

Development Description

- 6.5.1 The applicant is seeking planning permission to erect 10 dwellings with associated parking and landscaping on an existing car park. The site is located in the south-eastern car park of Langney shopping centre, approximately 5.5km north-west of Eastbourne town centre.

Access

- 6.5.2 It is noted that the widths of the internal footways are less than 1.2m in some sections, which is below current standard of 2m. There does not appear to be scope to widen the footways to the 2m standard. As such, it is recommended the footways are upgraded and shown on an amended plan such that all internal pedestrian routes are an absolute minimum of 1.2m in width.

Accessibility

- 6.5.3 Footways are present on Swanley Close and provide suitable connectivity. Cycling is feasible on quieter roads that connect with the cycle network in Eastbourne.

- 6.5.4 Publicly available bus transport is available within a short walking distance on the north, west and east sides of Langney shopping centre, located immediately north of the site. Walking routes to the nearest bus stop on the east side is approximately 60m from the site, where services 1x (every 30 minutes) and The Loop (every 20 minutes) are available.
- 6.5.5 The closest railway station is Hampden Park, and is 2.5km from the site. This would take approximately 30 minutes by foot, or 9 minutes when cycling. Secure cycle parking is available at the station.
- 6.5.6 Considering the above, it is considered that the site is located within a suitably accessible location.

Trip Generation

- 6.5.7 A TRICS assessment has been submitted as part of this application. This illustrates that each dwelling has the potential to generate approximately 5 daily vehicular movements, which is considered reasonable.
- 6.5.8 The existing use of a car park is not considered to generate any trips, though the existing parking demand would need to be accommodated in the proposed development.
- 6.5.9 The proposed development of 10 dwellings would generate approximately 53 two-way vehicular daily trips, based on similar developments assessed from the TRICS database. The methodology used for suggested daily trips for 10 units is sound, with approximately 6 trips in both the AM and PM peak times. It is not expected that an increase of 53 daily trips would have a significant impact on the local highway network, and therefore would not warrant a refusal.

Car Parking

- 6.5.10 In accordance with the County Council's parking guidance, 22 car parking spaces are required to serve the development. 23 parking spaces are proposed as part of this development, including two allocated spaces per dwelling and three spaces for visitors. This provision is in accordance with the County Council's parking guidance and is therefore acceptable.
- 6.5.11 ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence. The submitted plan indicates that the parking bays measure 5m x 2.5m, which is in line with the County Council's standards. However, the bushes located next to car parking spaces should be set back by 0.5m.
- 6.5.12 A parking beat survey was undertaken in the surrounding car park to ascertain whether the level of displaced parking can be accommodated. This survey determined that the maximum parking level stresses generated from this proposal, in addition to the redevelopment scheme of the shopping centre. The results determined that on a Saturday, there would be approximately 70% parking stress, leaving 132 parking spaces unoccupied. On a weekday, the parking level stress would be approximately 58%, leaving 221 spaces unoccupied. The survey therefore determines there is enough capacity to accommodate parking demand

generated from the proposed redevelopment of the shopping centre (application no. 130229), and taking into account the removal of car parking spaces from the application site as part of this application.

Vehicular Access

- 6.5.13 It will be required for the access to the north of the site to be formally closed and kerbs reinstated to ensure that it cannot be used for vehicular access. The applicant will be required to enter into a S171 and acquire appropriate licences from an approved contractor.
- 6.5.14 In accordance with the County Council's standards, and Stage 1 RSA would need to be undertaken for the site access, and amended plans should be provided showing changes as required by the RSA. This should be secured by condition.

Cycle Parking

- 6.5.15 In terms of cycle parking provision, two spaces would need to be provided per house. Having reviewed the submitted plans, a secure cycle store is to be provided in each garden and is in line with the County Council's parking guidance. The County Council requires cycle stores to be located in a secure, convenient and covered location. The provision of the cycle store should be secured by condition.

Construction

- 6.5.16 A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the construction phases. This would need to be secured through a condition of any planning permission.

Travel Plan Statement

- 6.5.17 Although a travel plan statement is not required for this number of dwellings, it is recommended that the applicant provides a Residents information Pack for every first occupier of each dwelling, in order to encourage the uptake of sustainable modes of transport. This should include details of bus timetables, bus stops, train stations and timetables, local facilities and distances on both foot and cycle. This can be secured by condition.

Delivery & Servicing Statement

- 6.5.18 Although a delivery and servicing statement has not been submitted, swept path drawings have been submitted that show 11.2m long refuse vehicles can access and service the site without blocking the highway. Whilst this is shorter than the 12m long refuse vehicle as per the County Council's guidance, there appears to be sufficient buffer within the swept path drawings to accommodate a larger refuse vehicle within the site. The refuse arrangement is therefore considered acceptable in this instance.
- 6.5.19 Swanley Close narrows from approximately 6m to around 4.5m. While such a road widths would help to keep speeds low on approach to the site and a road width of 4.5m is sufficient for two cars to pass each other, larger vehicles such as refuse trucks or fire tenders could experience difficulties. The only way to ensure sufficient space would be available would be to introduce parking restrictions. The exact locations would need to be considered further should planning consent be granted. It should also be noted that the installation of parking restrictions cannot

be guaranteed. Any proposal would be open to public objection and the ultimate decision would be with the ESCC Planning Committee.

- 6.5.20 It is therefore considered necessary for the applicant to enter into a S106 agreement with ESCC to secure a £5000 contribution towards investigating the installation of a Traffic Regulation Order for parking restrictions in the area, should consent be granted

7 Neighbour Representations

- 7.1 The application has attracted five objections following public consultation, which raises concerns on the following grounds:

- Exacerbation of on street parking issues from overflow of residents, visitors and servicing parking needs;
- Safety for pedestrians using the walkway between Swanley Close and Langney Rise;
- Loss of trees and landscaping; and
- Noise impacts from increased activity

8 Appraisal

8.1 Principle of development:

- 8.1.1 The National Planning Policy Framework (NPPF) supports sustainable residential development. The site is located within the built-up area, where the principle of development is considered to be acceptable. Furthermore, the Borough Plan saved Policy HO2 identifies this location as being predominantly residential and National Policy (NPPF) supports sustainable residential development. This site would be considered a brownfield site and the strategy states that "*in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land*". As such, the proposed residential use is in accordance with this spatial strategic objective.
- 8.1.2 The site is also identified as being suitable for redevelopment for residential or employment purposes as per the 2017 SHELAA (site LA01). As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Therefore in accordance with para 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.
- 8.1.3 It is acknowledged that outline planning permission has previously been granted in 2009 for residential development of the site comprising 20 new apartments, that this was not implemented and has now expired. Paragraph 122 of The NPPF states that in considering development proposals, Local Planning Authorities should '*refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework*'. The applicant was asked to respond to this point, taking account of the previous proposal for 20 apartments. Whilst it is noted that the previous approval was more broadly for outline

permission, the applicant has also provided costings in relation to the delivery of 20 unit flatted scheme, which is considered to adequately demonstrate that the delivery of this number would not be viable.

8.1.4 Taking the above into account, the proposed development is considered to be acceptable in principle.

8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:

8.2.1 The application site is located adjacent to existing dwellings forming part of the residential development of Swanley Close. However, only two existing dwellings are located directly adjacent to the site, one adjacent to the western boundary and one adjacent to the southern.

8.2.2 Taking into account the location of the proposed dwellings in relation to existing, it is not considered that the proposal would result in any significant loss of privacy for adjoining occupiers. The placement of the proposed buildings and their fenestration would prevent any direct views towards existing neighbouring windows.

8.2.3 The arrangement of the dwellings in relation to those closest to the site would not result in any significant overbearing impact upon the outlook from existing windows. Unit 10, which would be located in the northeastern corner of the site, would be adjacent to number 42 Swanley Close, a bungalow with south facing windows. The front elevation of unit 10 would be forward of that of the existing front wall of number 42. However, taking into account the orientation and distance between the buildings, it is not considered that there would be any significant loss of light for existing residents.

8.2.4 To the south, proposed unit number 1 would have a similar relationship with number 45 Swanley Close, although it would be sited beyond the rear elevation of number 45. The orientation would prevent any significant ambient light loss and no direct sunlight would be lost from the existing habitable room windows.

8.3 Impact of proposed development on amenity of future occupiers

Standard of proposed accommodation:

8.3.1 The proposed dwellings would generally provide a good standard of accommodation for future occupants, being well arranged on plan. The proposal would create ten three-bed units, each comprising two single occupancy and one double occupancy bedrooms for four individuals.

8.3.2 The 'Technical housing standards - nationally described space standards', adopted by central Government in March 2015 defines the requirements for internal space standard for new residential units, including both the Gross Internal Area (GIA) of each unit and the internal floor area of individual rooms and storage space. Each of the proposed dwellings would comprise dwellings of the same size and arrangement. As such, the table below provides details of the proposed internal areas for assessment, based upon the common design of the proposed dwelling.

	Required	Proposed	Complies
Bedroom 1	11.5m ² (double)	14.7m ²	Yes
Bedroom 2	7.5m ² (single)	8.3m ²	Yes
Bedroom 3	7.5m ² (single)	7.5m ²	Yes
Total (GIA)	84m ² (2 storey, 3b 4p)	88.68m ²	Yes

8.3.3 Three of the proposed units would meet the minimum internal space standards in terms of the total Gross Internal Area and individual bedroom sizes required by the 'Technical housing standards - nationally described space standards'.

Outlook and privacy:

8.3.4 The proposed dwellings would be dual aspect and would comprise a good level of outlook for future occupants, with adequate daylight levels within habitable rooms. It is not considered that there would be any privacy issues and would be As such, the scheme is considered to be acceptable in respect of these elements, in accordance with Policy HO20 Residential Amenity.

Outdoor amenity space:

8.3.5 The proposed dwellings would have access to suitably sized private outdoor amenity space, taking into consideration the constraints of the site and the layout of the dwellings. The space would be well related to the dwellings and easily accessed by future occupiers.

8.4 Design issues:

8.4.1 The local area comprises a varied character, taking into account the location adjacent to Langney Shopping Centre and the petrol filling station to the east. However, the proposed change of access from the northern boundary to link the site to Swanley Close would mean that the development would operate as part of the established Swanley Close residential development. The size, height, form and cul-de-sac arrangement of the development would be well suited to the established character and is considered to be acceptable in terms of the general pattern of development.

8.4.2 The proposal comprises two storey pitched roof detached dwellings. The houses are well laid out on plan, having good sized dwelling to plot ratios and based around court parking. The proposed facing materials are considered to harmonise with the character of the area and would be varied across the dwellings in the development, to break up the appearance and provide interest.

Landscaping

8.4.3 The proposal would incorporate hard and soft landscaping features, including hard surfacing for access and parking and planted, lawned and garden areas. The resulting landscaping is considered to be appropriate to the character of the area in general and would allow for a more verdant appearance of the site to become established.

8.4.4 ESCC Highways commented that the pathways within the site do not meet the minimum width according to regulations and have advised that this is revised so that they are no less than 1.2m. As agreed with the applicant, this will be sought

by condition prior to first occupation.

Impacts on trees:

- 8.4.5 There is no objection in principle to the loss trees. There are elements of landscaping to the proposal which will soften the appearance of the development. The landscaping content will be secured by condition to be implemented pre occupation of the dwellings.

8.5 Impacts on highway network or access:

Access:

- 8.5.1 The site is located in a sustainable location, designated as a Predominantly Residential Area in the adopted Core Strategy. Therefore, residential development is considered to be acceptable in principle in this location. The site would be well located in respect of amenities, being directly adjacent to the Langney Shopping Centre. In terms of wider accessibility, the site is well accessed by public transport. A number of bus services surround Langney Shopping Centre, the nearest of which is a bus stop on the eastern side of the centre, approximately 60m walk from the site. Services are regular and frequent. Hampden Park is the closet railway station, located 2.5km from the site and is easily accessible by foot and cycle.
- 8.5.2 The proposal involves relocation of the existing vehicular access at the northern end of the site to Swanley Close, comprising a vehicular and pedestrian access at the southern end of the western boundary, adjacent to the existing hammerhead turning point. The new access has been amended to remove formerly proposed gates, to prevent a gated development and for ease of access for servicing and deliveries. A separate pedestrian gate would also be provided from The existing access would be blocked up and a new pedestrian access would be created between units 7 and 8, allowing access to the amenities of Langney Shopping Centre and to nearby bus stops.
- 8.5.3 The existing footpath on the northern boundary would be reinstated as part of the proposed development, which would allow for safe access by foot between the site and the shopping centre. Recent works to the landscaping of the shopping centre car park area have improved accessibility for pedestrians, including new pedestrian crossings over the internal service roads. Together, these provide a safe network of access routes both for future occupants of the development and for existing residents in Swanley Close and beyond.
- 8.5.4 ESCC Highways have undertaken a TRICS assessment to ascertain the likely trips generated by the proposed development. It is envisaged that approximately 53 two-way vehicular daily trips would be generated, based on similar developments assessed from the TRICS database. ESCC Highways has concluded that it is not expected that an increase of 53 daily trips would have a significant impact on the local highway network and, as such, is considered to have an acceptable impact upon the transport network.

Construction Management:

- 8.5.5 ESCC Highways requested that a Construction Management Plan (CMP) be required by condition of any permission during the course of the application, with a view to these details being approved as part of any planning permission to avoid

a pre-commencement condition. The CMP has been considered by ESCC, who has confirmed that they are happy with the management of construction related traffic upon the transport network. As such, a condition is recommended to ensure that the CMP is strictly followed

Parking:

8.5.6 In accordance with the ESCC parking demand calculator, 10 three-bed units in this location would require 22 off-street parking spaces. The submitted plans propose a total of 23 parking spaces, which would comprise three visitor spaces. As such the quantum of proposed parking provision would exceed the parking demands for the development. A condition has been attached requiring that on-site spaces are provided in accordance with approved details prior to first use of the development.

8.5.7 In addition to the above considerations, ESCC Highways undertook a parking beat survey in the surrounding car park to ascertain whether the level of displaced parking can be accommodated. This concluded that there is ample capacity to accommodate both the development demands and the loss of parking that would result from the loss of car parking facilities for the shopping centre.

Cycle storage facilities:

8.5.8 The Council's policy TR2 (Travel Demands) seeks a balance between public transport, cycling and walking to meet the transport demands of proposed development. The proposed plans indicate that cycle storage would be provided within the rear gardens of each of the proposed dwellings. The amount, quality and location of the provision is considered to meet the requirements of adopted policy.

8.5.9 It is therefore considered that the proposed development complies with Policy TR11 of the Eastbourne Borough Plan Saved Policies (2007).

8.6 Affordable Housing

8.6.1 In line with NPPF and Eastbourne's Core Strategy Policy D5, development proposals for 10 or more dwellings are liable for an Affordable Housing Contribution.

8.6.2 The applicant has stated that the development would not be viable with an affordable housing contribution and has submitted a Financial Viability Assessment (FVA) to support this claim. This has been independently reviewed, which is in agreement with the FVA. As such, it would not be reasonable to seek an affordable housing contribution for the proposed development. However, the independent review recommends (at para. 2.5) that a further review is written into a S106 legal agreement, should any changes to build costs or land valuation make the site viable in the future. As such, this will form a head of term within the recommended legal agreement.

8.7 Other matters:

Refuse/Recycling storage facilities:

8.7.1 The application proposes dedicated refuse/recycling storage facilities within the curtilage of each of the dwellings. The facilities would be located within the rear

garden areas and, as such, future residents would need to put the bins out on collection days. Alternative arrangement of the facilities has been considered at the front of each unit, but this would not be possible due to the limited space within the site. As such, this would need to be

Local Labour Agreement:

8.7.2 Policy EL1 of the Eastbourne Employment Land Local Plan and the Local Employment and Training SPD required that development of 10 residential units or more only be granted with a Local Labour Agreement to include the following:

1. A Local Employment strategy to include the advertising of all new construction and operational vacancies locally (ie in the Borough of Eastbourne and within East Sussex).
2. A strategy to secure the recruitment and monitoring of apprentices, work experience placements for those unemployed, and NVQ training places associated with the construction and operation of the Development, as appropriate to the development and calculated in accordance with the Local Employment and Training Supplementary Planning Document.

This would be secured by Section 106 legal agreement, alongside other heads of terms stated elsewhere in this report.

8.8 Conclusion

8.8.1 The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.

8.8.2 Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore In accordance with paragraph 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

8.8.3 The proposal will result in the net gain of ten residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and any impacts upon existing residential properties are considered to be acceptable.

8.8.4 Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to condition and S106 legal agreement.

9 **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10 Recommendation

10.1 Grant Planning Permission subject to a Section 106 Legal Agreement comprising the following Heads of Terms:

1. Local Labour Agreement
2. Further Financial Viability Review
3. Traffic Regulation Order contributions

10.2 And the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). Approved Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

- Location Block Plan: 6251/LBP / A
- Block Plan: 6251/21;
- Plots 1-3 Proposed Elevations and Floor Plans: 6251/2 A;
- Plots 4 and 5 Proposed Elevations and Floor Plans: 6251/3 A;
- Plots 6 and 7 Proposed Elevations and Floor Plans: 6251/4 A;
- Plot 8 Proposed Elevations and Floor Plans: 6251/5 A;
- Plots 9 and 10 Proposed Floor Plans and Elevations: 6251/11;
- Street Scenes as Proposed: 6251/6 A;
- Roof and Rainwater Downpipe Plan: 6251/7 A;
- Entrance Details: 6251/8B;
- Landscape Proposals – PLG/1565/19B;
- Fire Tender and Refuse Vehicle Alternative Access Swept Path: 2019/4725/005;
- Visual – Plots 3-10: 6251/9;
- Visual – Plots 1-3 INC & 7-10 INC: 6251/10;
- Design and Access Statement;
- Arboricultural Report by The Mayhew Consultancy Ltd, dated July 2019;
- Transport Statement – PKLG/19/4725/TS02, dated July 2019;
- Odour Assessment – 25207-04-OA-01;
- Combined Geotechnical and Ground Contamination Risk Assessment by Ashdown Site Investigation Ltd, dated July 2019;
- Noise Assessment by M-E-C Acoustic Air, dated July 2019;
- Financial Viability Assessment by Anderson Bourne, dated 22nd October 2019
- Construction Management Plan by Park Lane Group, dated September 2019

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) The external surfaces of the development, hereby approved, shall be finished in accordance with the approved External Finishes Schedule (6251/EXTMAT/A) and maintained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance.

- 4) No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

- 5) Secure covered cycle parking facilities for a minimum of 20 bicycles shall be provided in accordance with the details approved prior to first occupation of the development, hereby approved, and shall thereafter be retained in accordance with the approved details for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

- 6) Refuse and recycling facilities shall be provided in accordance with approved plans prior to first occupation of the development, hereby approved, and retained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

- 7) Prior to completion or first occupation of the development hereby approved, whichever is the sooner; hard and soft landscaping details of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1. Revisions to ensure that pathways within the site achieve at least a 1.2m width;
2. Revisions to ensure that at least 0.5m clearance is achieved between any parking spaces and shrubs, trees, walls, fences and other structures;
3. location, type and materials to be used for hard landscaping including specifications where applicable for:

- a. permeable paving
- b. underground modular systems
- c. Sustainable urban drainage integration
- d. Surface coverage within tree Root Protection Areas (RPAs);

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with saved Policy UHT7 of the Eastbourne Borough Plan.

- 8) The development, hereby approved, shall not be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawings.
Reason: In the interests of road safety.
- 9) Detailed surface water drainage drawings and calculations shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The submitted details shall include evidence (in the form hydraulic calculations) that surface water discharge rates are limited to a rate agreed to by Southern Water for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.
- 10) The detailed design of the attenuation tanks shall be submitted to and approved in writing the Local Planning Authority in consultation with the LLFA. The detailed design shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.
- 11) A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development
- These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of

the development.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

- 12) Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

- 13) Prior to occupation of the development evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

1. Evidence of drainage construction prior to first occupation
2. In accordance with ground contamination details

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

- 14) The development shall not be occupied until footways within the site have been provided and constructed in accordance with the approved plans.

Reason: To ensure the safety of persons within the site

- 15) The Arboricultural Method Statement (section 11 of the Arboricultural Report AR/72519) and the associated tree protection plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations.

Reason: To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

- 16) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance.

- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse, hereby permitted, shall be undertaken without the prior grant of planning permission by the Local Planning Authority.

Reason: In the interests of preventing overdevelopment of the site

- 18) The recommendations of the Combined Geotechnical and Ground Contamination Risk Assessment by Ashdown Site Investigation Ltd, dated July 2019 shall be adhered to in full, and site supervision by a suitably qualified land contamination specialist. Reason: To ensure that any contamination of the land is remediated to protect future occupants of the development and local water sources from unacceptable levels of pollution
Reason: To ensure that any contamination of the land is remediated to protect future occupants of the development and local water sources from unacceptable levels of pollution.

- 19) Prior to first occupation of the development, hereby approved, a verification report demonstrating that the site has been fully remediated in accordance the Combined Geotechnical and Ground Contamination Risk Assessment by Ashdown Site Investigation Ltd, dated July 2019, shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification scheme to demonstrate that the site remediation criteria have been met.

Reason: To ensure that any contamination of the land is remediated to protect future occupants of the development and local water sources from unacceptable levels of pollution.

- 20) The development, hereby approved, shall not be occupied until the boundary enclosures have been erected in accordance with the approved drawings
- 21) No demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank Holidays unless previously been agreed in writing by the Local Planning Authority.
Reason: In the interest of maintaining the amenities of nearby residents/occupiers.
- 22) The development shall not be occupied until a Travel Plan Pack for residents has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.
Reason: To encourage and promote sustainable transport.
- 23) The proposed noise mitigation measures set out in the Noise Assessment dated October 2019 (Report Ref: 25207-04-NA-01) shall be carried out in full to the satisfaction of the Local Planning Authority unless agreed otherwise in writing.
Reason: To ensure noise impacts are minimised and mitigated to protect the amenity of future occupiers.

- 24) Prior to first occupation of the development, hereby approved, planting shall be completed in accordance with the approved plans and Arboricultural Report AR/72519. Any new trees or planting that die, are removed or become severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To safeguard and enhance the character and amenity of the area.

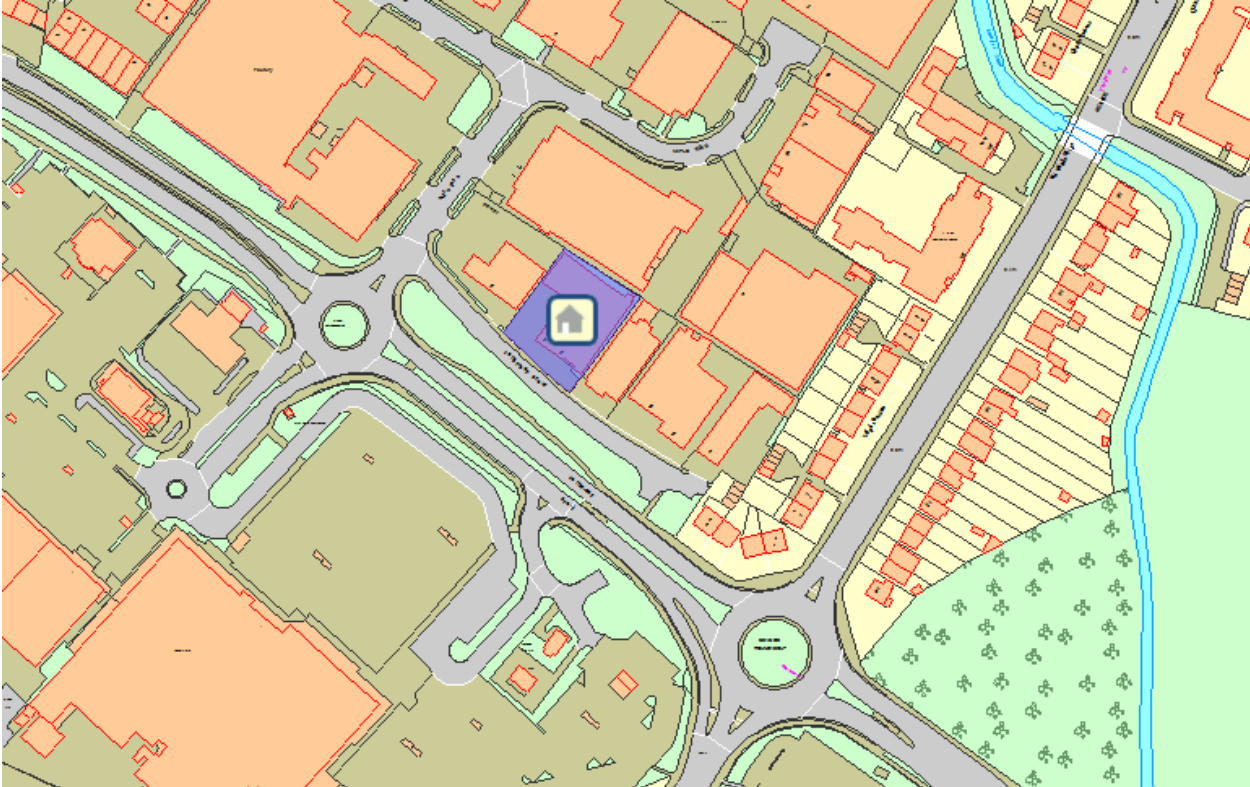
Informatives

- 1) A formal application regarding the impact upon and connection to the public sewerage system is required in relation to this development. For further information, the applicant is advised to contact www.southernwater.co.uk
- 2) The applicant is advised that, in relation to conditions 7, 9, 10, 11, 12 and 13, ESCC SuDS Team can be contacted via: Su.DS@eastsussex.gov.uk
- 3) The applicant is advised that, in relation to conditions 7, 9, 10, 11, 12 and 13, Southern Water Developer Services can be contacted on Tel: 0330 303 0119

11 Appeal

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

Agenda Item 8

App.No: 190726	Decision Due Date: 27 November 2019	Ward: St Anthonys
Officer: Anna Clare		Type: Planning Permission
Site Notice(s) Expiry date: 28 October 2019		
Neighbour Con Expiry: 28 October 2019		
Press Notice(s): n/a		
Over 8/13 week reason: n/a		
Location: 26-28 Lottbridge Drove, Eastbourne		
Proposal: Change of use to part Class D2 (Assembly and Leisure) and Class A3 (Cafe) for a children's educational role play experience.		
Applicant: Mr Davie Langham		
Recommendation: Refuse Planning Permission		
Contact Officer(s):	Name: Anna Clare Post title: Specialist Advisor Planning E-mail: anna.clare@eastbourne.gov.uk Telephone number: 01323 4150000	
Map location		
		

1 Executive Summary

- 1.1 The site forms part of an existing designated industrial estate. The existing B8 use is protected therefore in principle the change of use would not be supported. The applicant has identified by way of a sequential test that there are no other available sites which meet their requirements in terms of size. However they have not shown that the site is suitable on the whole given the limited car parking and awkward access, this would likely lead to conflict with existing uses and as such the site is not considered suitable for the proposed use.

2 Relevant Planning Policies

- 2.1 Core Strategy Local Plan 2013
B1 Spatial Development Strategy and Distribution
B2 Creating Sustainable Neighbourhoods
C13 St Anthony's and Langney Point Neighbourhood Policy
D1 Sustainable Development
D2 Economy
D8 Sustainable Travel
- 2.2 Employment Land Local Plan
EL2: Industrial Estates
- 2.3 Saved Borough Plan Policies 2007
B1 Retention of Class B1, B2 and B8 Sites and Premises
BI2 Designated Industrial Sites
TR11 Car Parking

3 Site Description

- 3.1 The application site is one unit of three at 26-28 Lottbridge Drove. The unit to the front is a two storey block office like in appearance. The two units to the rear are double height, industrial/warehouse units which are accessible to the rear of the office unit. There is marked out car parking spaces within the site with an existing access onto the highway (Lottbridge Drove). The access road leads onto Lottbridge Drove proper via Birch Road.
- 3.2 The site is situated within the Birch Road Industrial Estate.

4 Relevant Planning History

- 4.1 150053
Proposed partial demolition and alterations to existing fenestration to sub-divide existing B8 Storage unit into two units. Existing B1 Offices to be retained with alterations to internal layout, together with creation of additional 3 car parking spaces.
Planning Permission
Approved Conditionally
13 March 2015

5 Proposed development

- 5.1 The application proposes the change of use to provide a children's role play experience centre (use class D2) with associated café.
- 5.2 The proposed opening hours are 0930 to 1800, with 3 pre-booked able sessions which last 2.5 hours. The original submission was for a maximum of 50 *people* at any one time including staff and parents/care givers.

6 Consultations

6.1 Specialist Advisor (Planning Policy) – comments on original submission

- 6.1.1 This application seeks to change the existing carpet storage and showroom area into a children's education and play centre, with an attached café. It is not clear what the current use class of the building is: there is conflicting use classes given in different documents supplied with the application. It is suggested that the use class is A1 in some cases and B uses in others. The current 'official' use class for the site would appear to be B8, which may not be compatible to how the site is currently being used, as a carpet showroom and sales. There will be minimal internal alterations to the structure of the building. The unit is in the St Anthony's and Langney Point Neighbourhood, within a designated Industrial Estate (Birch Road, Hawthorn and Compton Industrial Estates).
- 6.1.2 Policy C13 of the Core strategy explains the vision for the St. Anthony's and Langney Point Neighbourhood as "*St Anthony's & Langney Point will increase its economic importance to the town through the provision of additional employment floorspace and jobs, whilst enhancing its levels of sustainability through the provision of additional affordable housing and community and health facilities and reducing the impact of the car*". The change of use does not provide additional employment floorspace. It is not clear what the net difference in jobs would be: the proposal would provide for 2 full-time jobs and 1 part-time job. The proposal would create additional children's educational and play facility in the Neighbourhood.
- 6.1.3 One of the 'Supply Issues' raised in the Employment Land Local Plan is the 'Loss of employment land to other uses,' which states that "*If losses of key sites continue within existing employment locations they have the potential to undermine the B class nature of these sites.*" This proposal does represent a net loss of class B floorspace within a designated industrial estate and as such is broadly in contravention with the aims of the Employment Land Local Plan.
- 6.1.4 The ELLP, paragraph 4.12, also raises the concern that "*A large collection of non B uses can erode the business nature of a location, which will have an adverse effect on occupier and investor perceptions of the Industrial Estates.*" The site is currently in use as a carpet showroom and sales. The proposed use could stand out from the activity that was previously here, as it is targeted towards children. As the day is split into three sessions, and the proposal would accommodate 50 people at a time, there could be periods where roughly 33 adults and 66 children leaving and arriving, it could hinder the perception of the area as an industrial estate. However, it is not in a prominent position on the

industrial estate and is not very visible from the main road.

- 6.1.5 This change of use is not compliant with core principle of Policy EL2: Industrial Estates as it seeks to ensure that redevelopment and Change of Use within the Industrial Estate are class B only. However, it also states that *“The redevelopment or change of use of sites and premises within the designated Industrial Estate from class B use to alternate non-B class employment generating uses will only be supported where...a) the proposed alternative use is an employment generating use that cannot be located elsewhere due to its un-neighbourliness and, by being located within a designated industrial estate, will not have a significant adverse impact on adjacent land uses.”* The requirements of the proposal may mean it could be difficult to find an appropriate location elsewhere. A provided statement describes that *“We have researched and looked at similar businesses of this nature around the country and they too have chosen industrial type buildings due to the size and nature of the business.”* This does appear to be the case, however there is no specific justification supplied with the application indicating that it has to be the case in this instance.
- 6.1.6 Furthermore, in answer to section (b) of EL2, it is not clear that *“the site/premises is suitable for the proposed use,”* as there is unlikely to be adequate parking for the volume of people expected.
- 6.1.7 The proposed use would likely fall within the definition of a ‘Main Town Centre Use’ as described in the NPPF. There is a requirement for a sequential test to be carried out to be carried out on Main Town Centre Use applications which do not propose an application in an existing centre. Town Centres and then ‘Edge of Town Centres’ should be considered before ‘Out of Centre’ sites This is in accordance with paragraphs 86-90 of the NPPF.
- 6.1.8 The proposal would not be liable for a CIL payment, as there is no increase in floorspace.
- 6.1.9 It is considered that the change of use would not be consistent with an industrial estate, especially in this location due to constraints around parking.
- 6.2 Highways ESCC – first consultation
- 6.2.1 The site is currently used partly to display and sell carpets and partly as a carpet warehouse. East Sussex County Council Parking Guidance for Non-Residential Sites states that for this use, A1 non-food retail warehouse, there is a parking requirement of 1 space per 35m²; therefore 8 spaces are required. However, since much of the existing business involves visiting customers in their homes the actual parking demand at this site is likely to be less than 8 spaces.
- 6.2.2 The Tiny Town Centre is approximately 277sqm and has space for 30 children with a predicted 1 adult per 2 children ratio. It is anticipated that visitors to the Tiny Town Centre will originate from Eastbourne and the surrounding villages and towns and that the use of private vehicles to access the site is likely to be high. If all visitors and the staff were to travel by private vehicle the maximum parking requirement would be 18 spaces.

- 6.2.3 The submitted plan indicates that there will be 4 parking spaces available on-site for staff and visitors and further parking available on the adjacent public highway.
- 6.2.4 With the change of use there will be a significant increase in parking requirements which cannot be accommodated within the site. The submitted information provides no justification for the significant shortfall in the level of parking provided on-site and as a result I have concerns that the overspill will exacerbate any existing on-street car parking pressures in the area.
- 6.2.5 Trips:
The submitted information does not detail the level of traffic currently generated by the existing (A3) retail use of the site; however, it is understood that whilst a showroom is provided on site a majority of business involves staff visiting customers in their homes. With this in mind the proposed use, which could generate up to 30 trips per session from visitors and additional trips generated by the staff, is likely to result in a significant increase in the level of traffic generated by the site per day.
- 6.2.6 Despite this increase in traffic I have no major concerns from a highway safety or capacity perspective.
- 6.2.7 Accessibility:
There are bus stops on Seaside and Lottbridge Drove within 400m of the site providing regular connections with Eastbourne and further afield. It is however expected that many of the visitors to the Tiny Town Centre will use private vehicles.
- 6.2.8 Conclusion:
I object to this application for the following reason:
- 6.2.9 The proposal could not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on the Lottbridge Drove and would therefore be contrary to para 105 of the National Planning Policy Framework
- 6.3 Highways Comments – Second Consultation following reduction in proposed numbers
- 6.3.1 Further to my objection on 30 October 2019 the applicant has submitted new information to address concerns about the provision of parking.
- 6.3.2 The original proposal was for a soft play centre with a capacity for 45 persons, comprising 30 children and 15 adults, and additional staff. The proposal has now been scaled back to provide for up to 15 children with 7 to 8 adults and 3 staff, so a total of 25 to 26 persons. A 30 minute gap between sessions would reduce the overlap of visitors to the centre.
- 6.3.3 The on-site parking has increased from 4 spaces to 6 spaces. A 7th space

shown on the submitted plan is substandard in length and vehicles using the space would overhang onto the footway. Two of the spaces are adjacent to walls and are not convenient for parents with children to use.

- 6.3.4 Although there is on-street parking available in the vicinity of the site this is generally in high demand, used by existing businesses.
- 6.3.5 The applicant will encourage the use of buses to travel to the site by offering discounted rates. However I consider that parents with young children may consider a private vehicle more convenient than buses. This scheme may however influence staff modes of transport should this scheme be open to the staff.
- 6.3.6 Although the scale of the centre has been reduced and 2 more parking spaces have been made available I am still concerned that there is no capacity for overspill onto the public highway in this location. Site visits have indicated that parking demand in the vicinity of the site is high.
- 6.3.7 I am therefore still concerned about the parking availability for users of this site and maintain highway objection. A parking survey of the public highways in the vicinity of the site undertaken between the hours of 9am and 6pm is recommended to ascertain whether there is sufficient availability for on-street parking to accommodate the shortfall. In the event that this is demonstrated satisfactorily, highway objection can be withdrawn. The applicant should submit a scope for the parking survey to this authority prior to commissioning a survey.

7 Neighbour Representations

- 7.1 No comments received.

8 Appraisal

8.1 Principle

- 8.1.1 The application site is situated within a designated industrial estate. This proposal does represent a net loss of class B floorspace and as such is broadly in contravention with the aims of the Employment Land Local Plan.
- 8.1.2 However policy EL2: Industrial Estates states that the change of use of sites and premises within the designated Industrial Estate from class B use to alternate non-B class employment generating uses will only be supported where;
 - 8.1.3 a) the proposed alternative use is an employment generating use that cannot be located elsewhere due to its un-neighbourliness and, by being located within a designated industrial estate, will not have a significant adverse impact on adjacent land uses.
- 8.1.4 This is in line with Policy D2 of the Core Strategy Local Plan 2013 which states that a sustainable economy will be achieved by protecting employment space and resisting change of use, any proposal will be considered in a sequential process which gives priority to retention unless the site is unviable for

employment use.

- 8.1.5 The building is currently occupied, however has been marketed for the past 12 months, and my understanding is the lease is due to expire for the current users and they marketed in advance of their departure but they will be leaving the unit regardless of the decision on this application. The fact the unit is currently occupied does question whether the use is redundant or whether the site is unsuitable for the authorised use. However the applicant has submitted evidence of marketing and stated a lack of interest for the authorised use given the awkward access for deliveries etc.
- 8.1.6 In order to establish that the use cannot be accommodated elsewhere it is necessary to undertake a sequential test setting out the sites which are available and reasoning for rejection for the proposed use. The applicant has submitted evidence of a search for other sites and set out why this unit meets their needs when others do not. On balance it is considered that the evidence submitted is robust to show that the applicant has considered other sites but not been able to locate suitable accommodation for the size/height. However the site is far from ideal given the awkward access.
- 8.1.7 Criteria b) of Policy EL2 of the Employment Land Local Plan states that the applicant should demonstrate several points including;
- there is evidence demand and need for the proposed alternative employment generating use
 - why the site is suitable for the proposed use
- The applicant has submitted a planning statement to address the above policy.
- 8.1.8 The applicant submits that the unit meets their demands in terms of the size requirements, open space and height, to accommodate the equipment, and that they wanted a site within the urban area of Eastbourne.
- 8.1.9 They have also attempted to evidence a demand for the use by way of their marketing and 'likes' of their facebook page The nearest centres for this type of use appear to be, Burgess hill, Maidstone or Sevenoaks, therefore relatively long distances from Eastbourne, this shows the use does not exist in Eastbourne.
- 8.1.10 The planning statement says that the use would employ 2x full time employees and 4x part time employees, but this was based on the greater number of visitors (50 rather than the reduced 25). The Applicant advised that with 25 visitors the number would be at least 2x full time and 1x part time but they would review that when operational. The ELLP provides employment density assumptions of, for a B8 use, 1 employee per 70m², therefore 5 for this site, the proposal falls before this at a minimum of 2.5.
- 8.1.11 Given the unit is to the rear of the site with no public facing elevation, and the awkward nature of the access it is to be considered whether the site is suitable for such a public use.

8.1.12 The unit is to the rear of an existing office over two floors, and adjacent a further B Unit. To either side of the site are car garages. The proposed use could cause conflict from the amount of comings and goings, and by nature of it being child orientated and the awkward access could result in confusion within the site for visitors. The use could put off potential users of the adjacent offices and B use to the rear of the site.

8.1.13 Car parking could also be a potential cause of conflict as there would be very limited amount of spaces attributed to the use whilst other spaces are attributed to other units within the site.

8.2 Car Parking, Access and Highways Impacts

8.2.1 ESCC highways raised an objection to the original submission of 30 children, and subsequently upheld their objection to the reduced number of 15 children per session on the basis that the proposal could not provide adequate parking facilities within the site. The lack of adequate car parking would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on Lottbridge Drive.

8.3 Conclusion

8.3.1 There are concerns over the impact of the proposed use on the other surrounding uses. The awkward access could lead to conflict, and the increase in visitors could impact on the surrounding industrial uses. In principle it is considered that it has not been evidenced how the site is suitable for the proposed use, contrary to policy EL2 of the Employment Land Local Plan.

8.3.2 There is also concern over the lack of on site parking and inability for on street parking to accommodate the overspill. Therefore resulting in additional congestion on the public highway.

8.3.3 Overall it is not considered that the site is suitable for such a use and therefore the scheme cannot be supported.

9 Human Rights Implications

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10 Recommendation

10.1 Refuse planning permission for the following reasons:

- 1) The applicant has failed to demonstrate that the site is suitable for the proposed use, specifically that once delivered the use would not compromise the wider functioning of the Industrial Estate by way of the

increased footfall, nature of the footfall and the lack of on site car parking contrary to Policy EL2 of the Employment Land Local Plan 2016 and Policy D2 of the Core Strategy Local Plan 2013.

- 2) The proposal could not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on Lottbridge Drove and would therefore be contrary to paragraph 105 of the National Planning Policy Framework.

11 Appeal

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

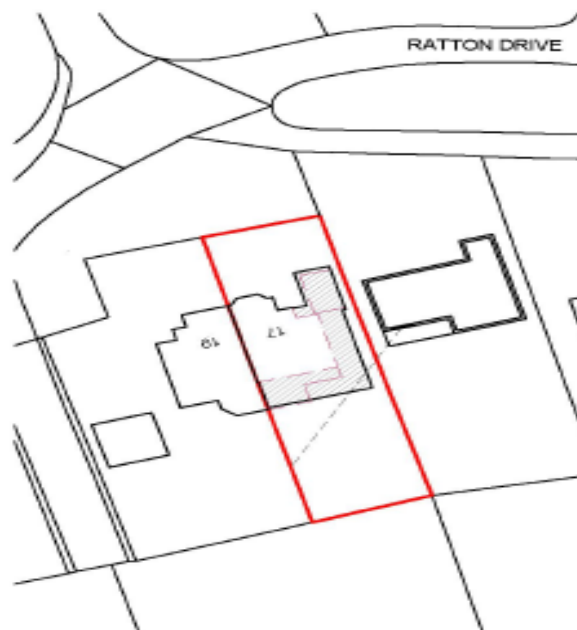
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Agenda Item 9

App.No: 190871	Decision Due Date: 30 December 2019	Ward: Ratton
Officer: William De Haviland-Reid	Site visit date: 18 December 2019	Type: Householder
Site Notice(s) Expiry date: 06 December 2019 Neighbour Con Expiry: 06 December 2019 Press Notice(s): 16 December 2019		
Over 8/13 week reason: N/A		
Location: Pine Cottage, 17 Ratton Drive, Eastbourne		
Proposal: Proposed demolition of detached garage, rear conservatory, and WC. Proposed two storey side extension with garage, single storey rear extension and front extension enlarging the existing porch.		
Applicant: Ms Lorna Hardy		
Recommendation: Approve subject to conditions as listed within this report		

Contact Officer(s): **Name:** William De Haviland-Reid
 Post title: Senior Customer Caseworker
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Map location



1:500 Proposed Block Plan

1 Executive Summary

- 1.1 Application called in by ward councillor
- 1.2 Application recommended for approval subject to conditions

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework
 - 2. Achieving Sustainable Development
 - 4. Decision-making
 - 8. Promoting healthy and safe communities
- 2.2 Eastbourne Borough Plan 2001-2011
 - HO2 Predominantly Residential Areas
 - HO20 Residential Amenity
 - UHT1 Design of New Development
 - UHT4 Visual Amenity
 - UHT16 Area of High Townscape Value
- 2.3 Eastbourne Core Strategy Local Plan 2006-2027
 - B2 Creating Sustainable Neighbourhoods
 - C12 Ratton & Willingdon Village Neighbourhood Policy
 - D5 Housing
 - D10 Historic Environment Area of High Townscape Value
 - D10a Design

3 Site Description

- 3.1 The host dwelling is semi-detached and is one half of an almost identical property where the main difference is the host dwelling having a single flat roof garage forward of the front elevation and the neighbouring property (15 Ratton Drive) having a double garage set towards the rear of the property and is a separate building.
- 3.2 The boundary treatment for the rear garden consists of high level hedging and panel fencing, the rear garden is set on a higher ground level than the host dwelling.
- 3.3 The front of the dwelling has a driveway that leads to the garage and the rest of the front garden consists of hard standing.
- 3.4 Ratton Drive comprises a coherent development of detached houses, mostly 1930's infill with some more modern extensions. The character of which derives from the wide road lined with mature trees, deep grass verges and detached properties of traditional design set on generous plots in mature landscaping.

4 Relevant Planning History

- 4.1 120588
17 Ratton Drive, Eastbourne

Erection of a two storey extension to the side together with the enlargement of the garage and provision of new pitched roof.

Withdrawn
12/10/2012

- 4.2 141167
17 Ratton Drive
Two storey side & rear extension to house, recessed from main elevation and subservient to main ridgeline to create space for master bedroom, en-suite and utility space. Existing garage to be rebuilt with new roof to match that of house. Refused at committee.
26/11/2014

5 Proposed development

- 5.1 It is proposed to demolish the existing garage at the front of the property, the rear conservatory and WC and replace these with a two storey side extension incorporating a garage, single storey rear extension and an extension to the front porch.
- 5.2 The proposed garage will be link attached to the front of the host dwelling and side extension and the design will use a pitch roof with gable ends which follow the same aesthetic as the host dwelling in terms of design. The garage will have a total height of 4.2m and an eaves height of 2.5m and will measure 3.2m in width. The total length of the proposed garage will measure 5.5m and the East elevation of the garage will merge into the proposed elevation of the two storey side extension.
- 5.3 The front extension will take the form of an infill at the front of the property linking the garage to the main dwelling and will be set back from the furthest front elevations of the host dwelling being the garage and bay window.
- 5.4 The single storey rear extension will measure 3.6m in total length from the rear of the host elevation, but has a step back effect on the rear elevation bringing the length to 2.5m nearer the East elevation.
- 5.5 The single storey rear extension will be of flat roof design and will incorporate 1no. sky lantern being near the west elevation. The proposed total height of the single storey rear extension will be 3m height not including the roof lantern and 3.3m total height including the roof lantern.
- 5.6 The proposed single storey extension will measure 9.6m in width and will incorporate part of the two storey side extension at ground floor level. It is not proposed to have windows on the side elevations of the rear extension; there will be 2no. windows on the rear elevation and a set of patio doors to allow access to the rear garden.
- 5.7 The proposed rear extension will have 1no. window furthest rear elevation and will incorporate patio doors with slimmer full length windows either side, there is no proposal to have windows installed on the side elevations of the rear extension.

- 5.8 The ground floor level of the side extension will measure 2.2m in width from the side elevation of the host dwelling and 9.2m in length from the front elevation of the host dwelling which includes the side elevation of the single storey extension to the rear, incorporating the proposed garage which sits affront of the principle elevation of the host dwelling the length will be 14.7m. It is proposed to have 2no. windows sited either side of an access door on the ground floor level which will have an existing boundary.
- 5.9 The single storey part of the extension will make use of a mono-pitch for the most part with a small section being a flat roof due to the existing first floor window on the side elevation of the host dwelling. The total height of the ground floor section of the side extension will be 2.5m and the eaves height will be 2.3m.
- 5.10 The first floor part of the side extension will also cover an area of the single storey rear extension and will measure 2.6m total length and will be flush with part of the rear elevation; measuring 5m in width. There will be a large window on the rear elevation and a small dormer on the East elevation which will serve a bathroom and ensuite and these windows will be 2/3rds obscure glazed where the top part of the window will be clear and opening above 1.7m from first floor level. Slightly lower than first floor level on the East elevation there is a window which is pre-existing and serves the stairs/landing area.
- 5.11 The design of the first floor part of the extension will make use of a gable end to match the existing rear gable in terms of height but will be slightly wider and make use of black vertical timber cladding.
- 5.12 The proposed windows will match as close as possible to the existing windows in the property by using glazing bars which is intended to help keep the character.

6 Consultations

6.1 Conservation Area Specialist:

This property sits outside a conservation area and is not listed.

7 Neighbour Representations

7.1 Objection – 15 Ratton Drive:

- Detrimental effect on a historic building (which is not listed)
- Overbearing on 15 Ratton Drive
- Potential overshadowing of living room, hallway and bedroom of 15 Ratton Drive
- Potential damage to existing trees including a Scotts Pine Tree
- Believe the development would be detrimental to the historic environment
- Create an imbalance between 17 and 19 Ratton Drive

8 Appraisal

8.1 There is no objection in principle to the proposed development to the building provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the policies of the National Planning Policy Framework (2019), the Core Strategy 2006-2027, and saved policies of the Borough Plan 2007.

8.2 Effect on the amenity of the neighbouring properties:

It is considered that the proposed development would not have a significant impact on the amenity of the neighbouring properties:

8.3 No.19 Ratton Drive:

The single storey rear extension will extend no further than the existing conservatory at no.19 Ratton Drive with only a minimal impact on overshadowing due to the existing boundary treatment in existence between the two properties. It is noted that the first floor extension will likely cause some overshadowing to no.19 Ratton Drive but given the distance away it is considered the effect would be minimal, with no significant loss of light being caused in this instance.

8.3.1 The proposed sky lantern is not considered to cause significant light pollution to no.19 Ratton Drive due to its location and distance from the neighbouring property.

8.3.2 There is a balcony on the rear elevation, however this already exists and so no extra overlooking will be caused to no. 19 Ratton Drive.

8.4 No. 15 Ratton Drive:

It was initially considered that the original proposed width of the first floor extension was too close to no. 15 which would have significantly affected their outlook and would have been imposing, the agent has since submitted an updated plan which has reduced the width of the first floor section by 1.2m meaning the elevation would now be 3.8m away from the neighbouring property which reduces the impacts to acceptable levels.

8.4.1 It is considered that no significant overlooking would be caused by the proposal due to the use of obscure glazing in the new bathroom windows, the existing boundary treatment at ground floor level and that there already exists a window in-between ground floor and first floor levels.

8.4.2 It is also noted that there would be no significant increase in overshadowing or loss of light caused to no. 15 Ratton Drive due to the location and design of the proposed development

8.5 Design:

Initially it was considered that the proposed first floor level extension and the proposed windows were incongruous to the character of the host dwelling and through consultation a new design has been submitted which reduces the width

of the first floor section of the development and creates a gable end which will match the height of the existing rear gable end but introduces a modern look by using black vertical timber cladding to help distinguish between the two gable ends.

- 8.6 When viewed from the street scene it is possible to see the first floor part of the extension however the use of pitch and being that it is set back means it does not over power the rest of the property, the small dormer to the side elevation of the plane of the roof does break the aesthetic but it considered on balance this is not a significant downfall in the design.
- 8.7 The proposed windows will now match those which already exist within the property and this retains a matching aesthetic for all windows on the property which helps to maintain the character for the dwelling.
- 8.8 The design of the proposed garage will make use of a pitched roof and gable end with detailing to include timber beams to match that which exists on the front elevation of the host property and it is considered that this will aid in improving the character of the host dwelling which previously had a flat roof garage.
- 8.9 Other Matters:
It is noted that a similar application to the one proposed was previously refused at committee in 2014, the committee refused the application based on size and scale of the proposed development and because of the difference in design between to otherwise matching properties.
- 8.10 It is considered that the proposed design does not significantly alter the aesthetic of the two properties and is not overbearing when viewed from the street scene.
- 8.11 The local area surrounding the host property consists of a large amount of trees and flora giving a verdant character to the site the objector has noted that the proposed works could cause damage to some of the trees in the immediate vicinity such as a Scot's Pine tree, in this regard a condition will be placed on the decision notice.

9 Human Rights Implications

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10 Recommendation

- 10.1 Grant planning permission subject to the following conditions:
- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 08 January 2019:

Drawing No. 2996 01 Rev A "Site Location and Block Plans"

Drawing No. 2996 06 Rev C "Proposed Plans"

Drawing No. 2996 07 Rev C "Proposed Elevations"

Drawing No. 2996 08 Rev A "Proposed Street Scene"

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) The external finishes of the roof of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

- 4) The window detailing of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

- 5) All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority. This should be in accordance with its Supplementary Planning Guidance and relevant British Standards (eg BS 5837:2012) for the duration of the works on site. In the event that trees become damaged or otherwise defective within five years following the contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

- 6) All existing trees and shrubs not scheduled for removal shall be fully safeguarded during the course of the site works and building operations in accordance with the local planning authorities Supplementary Planning Guidance and relevant British Standards (BS 5837:2012).

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests in amenity.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)(or any order revoking and re-enacting that Order with or without modification), no window, dormer window, roof light or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies.

- 8) The bathroom and ensuite windows located at first floor level on the East elevation shall not be glazed otherwise than with obscured glass up to 1.7m above first floor level and shall be fixed shut up to 1.7m above first floor level and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies.

11 Appeal

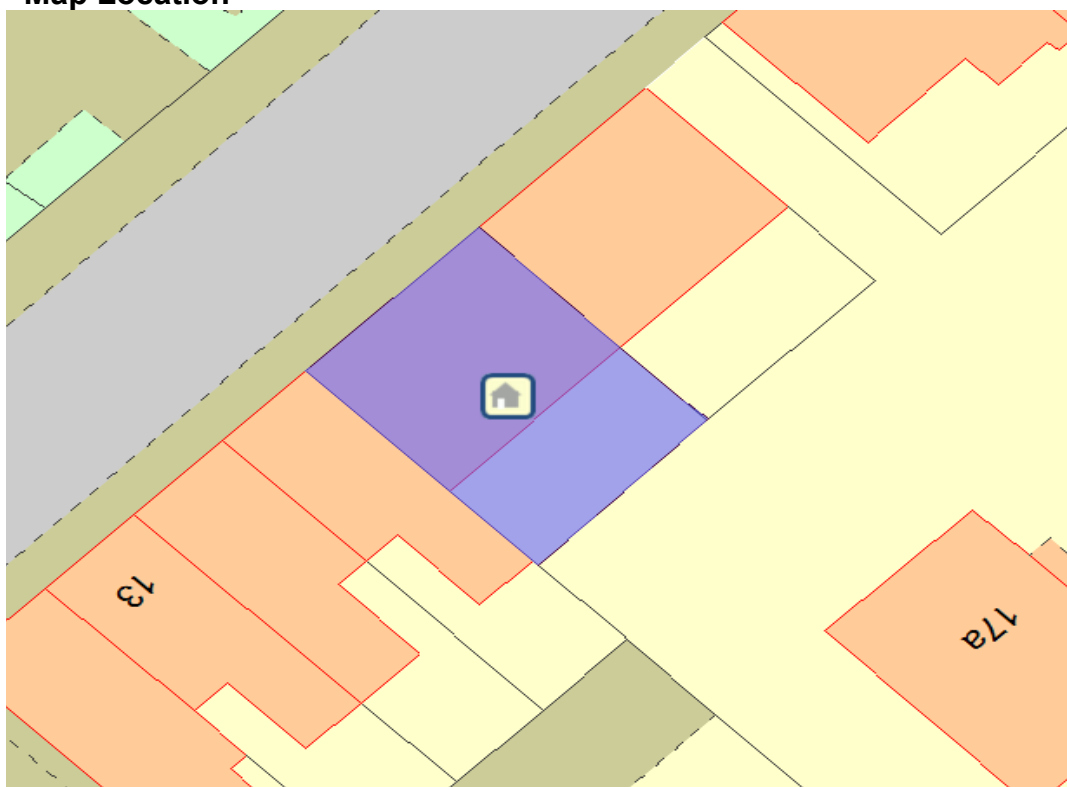
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

Agenda Item 10

App.No: 190772	Decision Due Date: 27 January 2020	Ward: Upperton
Officer: William De Haviland-Reid	Site visit date: 12 November 2019	Type: Planning Permission
Site Notice(s) Expiry date: 21 November 2019 Neighbour Con Expiry: 21 November 2019 Press Notice(s): N/A		
Over 8/13 week reason: Committee required.		
Location: Ground Floor Flat, 16 Commercial Road, Eastbourne		
Proposal: Proposed removal of existing timber framed front door and replace with Eclat arch style composite door with pvc top light		
Applicant: Ms N Houghton		
Recommendation: Approve subject to conditions contained within this report.		

Contact Officer(s) **Name:** William De Haviland-Reid
Post title: Senior Customer Caseworker
E-mail: William.dehaviland-reid@lewes-eastbourne.gov.uk
Telephone number: 01323 415696

Map Location



1 Executive Summary

- 1.1 Application was called in due to the applicant being an employee of Eastbourne Borough Council.
- 1.2 Application is recommended for approval based on the information provided.

2 Relevant Planning Policies

2.1 National Planning Policy Framework 2019

- 2. Achieving sustainable development
- 4. Decision making
- 11. Making effective use of land
- 12. Achieving well-designed places

2.2 Eastbourne Core Strategy Local Plan Policies 2013

- B1 Spatial Development Strategy and Distribution Sustainable Centre
- B1 Spatial Development Strategy and Distribution Sustainable Neighbourhood
- B2 Creating Sustainable Neighbourhoods
- C1 Town Centre Neighbourhood Policy
- D5 Housing
- D10a Design

2.3 Eastbourne Borough Plan Saved Policies 2007

- HO20 Residential Amenity
- NE14 Source Protection Zone
- TC10 Areas for Business use
- UHT1 Design of New Development
- UHT4 Visual Amenity
- US5 Tidal Flood Risk

3.0 Site Description

- 3.1 A flat located within a residential area of Eastbourne, not a listed building and not located within a conservation area.
- 3.2 The host terraced building has been separated into flats with no front garden space, the front door opens onto the high street.
- 3.3 The front elevation of the host dwelling consists of brick face of varying colours and there is a black coloured front door and the windows on ground and first floor level consist of UPVC casement windows.

4 Relevant Planning History

- 4.1 No planning history relevant to this application.

5 Proposed development

- 5.1 It is proposed to replace the existing black timber wood front door with a composite door with uPVC top-light and including coloured glass on the door itself.

6 Consultations

6.1 No statutory consultations required.

7 Neighbour Representations

7.1 No representations received.

8 Appraisal

8.1 There is no objection in principle to the proposed development to the building provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the policies of the National Planning Policy Framework (2019), the Core Strategy 2006-2027, and saved policies of the Borough Plan 2007.

8.2 It is considered that the proposed design of the replacement front door would not adversely affect the character of the host dwelling or amenity of the local street scene by virtue of the materials used and the resulting aesthetic.

9 Human Rights Implications

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10 Recommendation.

10.1 Grant planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 30 September 2019:

Drawing No. "Proposed Door Replacement"
Drawing No. 1:100 "Proposed + Existing Front Elevation"

Reason: For the avoidance of doubt and in the interests of proper planning.

11 Appeal

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

